

REMARKS

This submission is in response to the Office Action mailed December 12, 2003. Claims 1-42 are pending.

Restriction Requirement

The Examiner has required restriction to one of the following Groups under 35 U.S.C. § 121:

Group I: claims 1-13, 29-30, and 35-36, drawn to an absorbent core and an absorbent article comprising an absorbent core, classified in class 604, subclass 367; and

Group II: claims 14-28, 31-32 and 37-42, drawn to a method for producing an absorbent core and an absorbent article comprising an absorbent core, classified in class 162, subclass 100.

The Applicants hereby elect, with traverse, to prosecute the claims of Group I which are directed to an absorbent core and an absorbent article.

Although Applicants are making the above election to be fully responsive to the Restriction Requirement, Applicants respectfully traverse the Requirement and reserve the right to petition under 37 C.F.R. § 1.144. In particular, Applicants respectfully request reconsideration and withdrawal of the Restriction Requirement to allow prosecution of all claim groups in the present application, for the reasons provided below.

According to Patent Office examining procedures, "[i]f the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to distinct or independent inventions" (MPEP 803).

Applicants respectfully submit that all claim groups as designated by the Examiner do not warrant separate examination and search. Claims of each claim group call for the common absorbent core. Thus, the search and examination of all claim groups can be made jointly without increasing the burden on the Examiner. Applicants therefore respectfully request examination of all claim groups in this application.

Claims of Group II Should Be Rejoined

The applicants reserve their right to rejoinder of the non-elected claims prior to a notice of allowance for the elected claims of Group I to the product in accordance with the guidance given by the Commissioner of Patents and Trademarks in 1184 OG 86. *See In re Ochiai*, 37 USPQ2d 1127

merits: eucalyptus hardwood (claim 3); wound dressings as an absorbent article (claim 13); wood pulp as content of a storage layer (claims 30 and 36); and synthetic fibers as content of an acquisition layer (claims 30 and 36). Applicants make these elections of species to be fully responsive to the species election requirement.

Pursuant to MPEP section 809.02(a) upon allowance of a generic claim, Applicants will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. Accordingly, Applicants submit that upon allowance of the generic claims, all the remaining non-elected claims must be considered.

Therefore, in view of the above amendments and remarks, it is respectfully requested that the application be reconsidered and that all pending claims be allowed and the case passed to issue.

If there are any other issues remaining which the Examiner believes could be resolved through either a Supplemental Response or an Examiner's Amendment, the Examiner is respectfully requested to contact the undersigned at the telephone number indicated below.

Dated: January 26, 2004

Respectfully submitted,

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